IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1394 of 2004

For Approval and Signature:

HONOURABLE MR. JUSTICE B.J.SHETHNA

AND

HONOURABLE MR.JUSTICE H.B.ANTANI

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1 Whether Reporters of Local Papers may be allowed to see the judgment?

2 To be referred to the Reporter or not?

3 Whether Their Lordships wish to see the fair copy of the judgment?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any Order made thereunder?

5 Whether it is to be circulated to the Civil Judge?

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UNION OF INDIA AND OTHERS - Petitioners
Versus
B.D. PATEL AND ANOTHER - Respondents

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Appearance :
MR PURVISH J MALKAN for the Petitioners.
RULE SERVED for Respondent : 1.
MR MANISH R BHATT for Respondent No. : 2.

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CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA

and

HONOURABLE MR.JUSTICE H.B.ANTANI

Date : 16/11/2006

ORAL JUDGMENT

(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)

1. Heard learned Counsel Shri Purvish Malkan for the petitioners. Though served, respondent No. 1 was not appearing either in person or through the learned Counsel. Learned Counsel Shri Manish Bhatt for respondent No. 2 was present. He submitted that he was not at all concerned in the matter, as respondent No. 1 - original applicant was initially with them, but thereafter, he was with the petitioners.

2. Small amount of HRA of Rs. 567/- p.m. was stopped by the present petitioners. Therefore, respondent No. 1 - original applicant had approached the Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad by way of OA No. 749 of 2000, which was allowed by order dated 18th December, 2002 passed by the learned Tribunal. This is challenged in this petition.

3. Having heard learned Counsel Shri Malkan for the petitioners and having carefully gone through the impugned judgment and order passed by the learned Tribunal, we are not inclined to interfere with the same, mainly for two reasons: (i) That, while allowing the application, the learned Tribunal has not committed any jurisdictional error which calls for interference by this Court in this writ petition;

and (ii) that, the HRA amount is too small. In such type of matters, this Court would not normally like to interfere. In fact, such type of matters ought not to have been filed by at least the Union of India.

4. In view of the above discussion, this petition fails and is hereby dismissed. *Ad inter* relief granted earlier stands vacated forthwith. Rule discharged. No costs.

[B. J. SHETHNA, J.]

[H. B. ANTANI, J.]

/shamnath